



**Public Hearing  
CITY OF AUSTIN  
RECOMMENDATION FOR COUNCIL ACTION**

**AGENDA ITEM NO.:** 77  
**AGENDA DATE:** Thu 09/29/2005  
**PAGE:** 1 of 1

**SUBJECT:** Conduct a public hearing and adopt an ordinance amending Sections 25-9-33 (d), 25-4-195, and 30-2-195 of the Austin City Code relating to water and wastewater service extension requests by modifying the requirements concerning annexation requests.

**AMOUNT & SOURCE OF FUNDING:** N/A

**FISCAL NOTE:** There is no unanticipated fiscal impact. A fiscal note is not required.

**REQUESTING** Austin Water Utility      **DIRECTOR'S**  
**DEPARTMENT:**                                      **AUTHORIZATION:** Chris Lippe

**FOR MORE INFORMATION CONTACT:** Bart Jennings, 972-0118; Laura Wiley, 972-0104

**PRIOR COUNCIL ACTION:** N/A

**BOARD AND COMMISSION ACTION:** Recommended by Water and Wastewater Commission

**PURCHASING:** N/A

**MBE / WBE:** N/A

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A certificate of convenience and necessity ("CCN") is a state permit that allows a utility, under most circumstances, to solely provide water or wastewater service within a specified geographical area. The City sought water and wastewater CCNs for those portions of the Desired Development Zone that were not already certificated to another utility provider in August 2001. The Texas Commission on Environmental Quality ("TCEQ") granted the City its water and wastewater CCNs on November 16, 2004, and after reviewing a protest by another utility reaffirmed its decision on February 23, 2005.

In consideration of the CCN, the utility provider is required to make available water and wastewater service in accordance with its tariff and any requirements precedent to the provision of service must be reasonable and related to the provision of that service. Sections 25-9-33 (d), 24-4-195, and 30-2-195 of the Austin City Code currently require a request for annexation as part of the application for approval of a service extension request for water or wastewater service. This current requirement was initially placed in the Austin City Code in 1967 as a means to link the provision of municipal utility service with land development controls and potential tax base.

The Austin Water Utility is requesting the modification of the requirement to complete a request for annexation form as a part of the service extension request application. This modification does not impair or prohibit the City's ability to annex. The City still retains its rights and authority to annex. This modification does not modify the requirements regarding Austin City Council approvals for certain service extension requests. The Austin City Code requires all service extensions within the Drinking Water Protection Zone outside the corporate limits and all service extensions with cost reimbursement or cost participation by the City to be approved by the Austin City Council.



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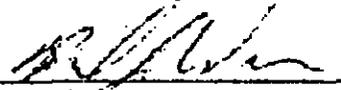
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AGENDA DATE: Thu 09/29/2005  
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No.090705-K  
WATER AND WASTEWATER COMMISSION RESOLUTION  
CONDUCT A PUBLIC HEARING AND ADOPT AN ORDINANCE AMENDING SECTIONS 25-9-33 (D),  
25-4-195, AND 30-2-195 OF THE AUSTIN CITY CODE RELATING TO WATER AND WASTEWATER  
SERVICE EXTENSION REQUESTS

September 7, 2005  
REGULAR MEETING  
VOTE: 6-0-0-3

Motion made by: Warner  
Commissioners Consenting: Coleman, Raun, Friese, Chan, Scott-Ryan  
Commissioners Dissenting:  
Commissioners Abstaining:  
Commissioners Absent: Gonzalez, Pool, Lee

The Water and Wastewater Commission recommends the Council conduct a public hearing and adopt an ordinance amending sections 25-9-33 (d), 25-4-195, and 30-2-195 of the Austin City Code relating to water and wastewater service extension requests.

  
Michael Warner, Chairperson  
Water and Wastewater Commission

09/7/05  
Date

**ORDINANCE NO.**

**AN ORDINANCE AMENDING SECTIONS 25-4-195, 25-9-33, AND 30-2-195 OF THE CITY CODE RELATING TO WATER AND WASTEWATER SERVICE EXTENSION AND ANNEXATION REQUESTS.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

**PART 1.** Section 25-4-195 of the City Code is amended to read:

**§ 25-4-195 REQUESTS FOR UTILITY SERVICE.**

**(A)** To have municipal water or wastewater service extended to land within the extraterritorial jurisdiction, a landowner shall file with the director of the Water and Wastewater Utility a written request for:

**(1)** extension of service; and

**(2)** if the land is not covered by the utility's certificate of convenience and necessity, [for] annexation by the City.

**(B)** The City may record an owner's request in the county deed records.

**PART 2.** Subsection 25-9-33(D) of the City Code is amended to read:

**(D)** An application for approval of a service extension must:

**(1)** include a general description of the location, size, and capacity of the service extension;

**(2)** if the land is not covered by the utility's certificate of convenience and necessity, be accompanied by a request for annexation of the land [traet] by the City; and

**(3)** include other information as required by the director of the Water and Wastewater Utility.

**PART 3.** Section 30-2-195 of the City Code is amended to read:

**§ 30-2-195 REQUESTS FOR UTILITY SERVICE.**

**(A)** To have municipal water or wastewater service extended to land within the extraterritorial jurisdiction, a landowner shall file with the director of the Water and Wastewater Utility a written request for:

**(1)** extension of service; and

**(2)** if the land is not covered by the utility's certificate of convenience and necessity, [for] annexation by the City.

**(B)** The City may record an owner's request in the county deed records.

**PART 4.** Parts 1 and 2 of this ordinance take effect on \_\_\_\_\_, 2005. Part 3 of this ordinance takes effect on the date that the Travis County Commissioners Court adopts an identical amendment to the Travis County Code.

**PASSED AND APPROVED**

\_\_\_\_\_, 2005

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§  
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\_\_\_\_\_  
Will Wynn  
Mayor

**APPROVED:** \_\_\_\_\_  
David Allan Smith  
City Attorney

**ATTEST:** \_\_\_\_\_  
Shirley A. Brown  
City Clerk